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In Pro Per

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO, APPELLATE DIVISION

PEOPLE OF THE STATE)
) Case No.: 14-4497
)
CALIFORNIA,) REQUEST FOR TIME EXTENSION TO
) FILE DEFENDANT'S NOTICE OF MOTION
Plaintiff,) TO DISMISS BECAUSE OF DENIAL OF
) RIGHT TO SPEEDY TRIAL
vs.)
)
James E. Horton,)
)
Defendant)
)
)

Whereas, on 12072015 during open hearing before Honourable Judge Maguire, Defendant orally moved for scheduled time to file a NOTICE OF MOTION TO DISMISS BECAUSE OF DENIAL OF RIGHT TO SPEEDY TRIAL, Judge set deadline for such motion for 12312015. Although Defendant has exercised all full faith and diligence to complete aforementioned motion by said deadline, he has not been able due to the following mitigating circumstances:

Per administrative policy, respective to holidays, of both County of Yolo Law Library and Woodland Public Library, Defendant, being indigent while simultaneously In Propria Persona, has been destitute of access to facilities and resources essential for his legal research and document production for 7 out of the 15 days given until deadline. As the law requires that a Defendant self-representing have access to such law resources as a fundamental Due Process

right in fairness, Defendant, with a showing of good cause, (unfortunately) needs reasonable extended amount of time, beyond deadline on briefing schedule, to prepare his motion.

Wherefore, Defendant hereby moves this Court (upon this motion and averments, sworn to be true, within the accompanying Declaration attached) for a reasonable Time Extension to file a NOTICE OF MOTION TO DISMISS BECAUSE OF DENIAL OF RIGHT TO SPEEDY TRIAL beyond set deadline until on or around 01112015 and, also, requests this Court to honour Defendants submission of the motion herein on 01042016, being 1 business day passed 12312015 (due to uncontrollable vicissitudes precluding its completion prior to the set deadline aforesaid).

Date: _____

Respectfully submitted,

James E. Horton, In Persona Propria

Wilson v. Superior Court

Annotate this Case

[L.A. No. 30883. Supreme Court of California. August 11, 1978.]

“Petitioner argues that reasonable access to law books, telephones and witnesses is a concomitant of the constitutional right of self-representation (*Faretta v. California* (1975) [422 U.S. 806](#) [45 L. Ed. 2d 562, 95 S.Ct. 2525]) which may be abridged only upon a showing of compelling governmental interest and upon affording him procedural due process. The premise of petitioner's argument is that reasonable access is that which was initially provided him pursuant to respondent's Policy Memorandum. Respondent, on the other hand, asserts that the restrictions placed on petitioner's pro. per. privileges still provide him reasonable access to law books, telephones and witnesses. At the same time, however, respondent denies that a constitutional right is in issue in this case. Respondent characterizes this case as involving only the questions whether it may approve modification of the standard privileges enumerated in the Policy Memorandum and whether it must hold a full-scale adversary hearing when it does so.”

DECLARATION IN SUPPORT OF REQUEST FOR TIME EXTENSION TO FILE
DEFENDANT'S NOTICE OF MOTION TO DISMISS BECAUSE OF DENIAL OF RIGHT
TO SPEEDY TRIAL

I, James E. Horton, as Defendant In Propria Persona, declare under penalty of perjury, on information and belief, under the laws of the State of California that the foregoing is true and correct:

1. On 12072015, Defendant appeared for hearing in this case before Judge Maguire. During this hearing, he requested time to file a Motion to Dismiss Because of Denial of Right to a Speedy Trial. The Judge set briefing schedule deadline upon this request for 12312015.
2. At 0900 on Tuesday 12222015, Defendant arrived at County of Yolo Law Library with intent to conduct research for and prepare his motion at issue. Unexpectedly, and without warning, the library was closed for normal service hours. A sign posted on its entrance informed that, for the holidays, the facility would not reopen for normal service hours until Monday 01042016. Previous to this prolonged holiday closing of Defendant's sole law resource available for access to facilities essential, Defendant had been diligently working said motion – it was, at that time, well on its way to completion; however, he still required access to legal research resources for final completion of his memoranda to attach.
3. Additionally, on 12282015, Defendant visited the Woodland Public Library with intent to perform editing and revising as could be accomplished for his composing of said motion in writing process. The library was closed upon arrival and a sign posted on its entrance informed that library would closed for normal service hours until 01042016.
4. Furthermore, Defendant is indigent and pushes a large cart containing all of his meager personal affects including his copious legal documents and work-product germane to his cases pending in this Court. Since public transportation policy limits personal property allowed on board, Defendant is thusly destitute of long-distance transportation. Therefore, he is limited to resources within the local area of Woodland.

Date: _____

Respectfully submitted,

James E. Horton, In Persona Propria

DECLARATION OF PERSONAL SERVICE

I, the undersigned, declare that I am a citizen of the United States, over the age of eighteen years, and self-representing Defendant in this matter. My mailing address is 204 4th St., Suite A, Woodland, CA 95695.

On _____, I deposited in the United States mail at the Post Office in Woodland, CA, a copy of the attached REQUEST FOR TIME EXTENSION TO FILE DEFENDANT'S NOTICE OF MOTION TO DISMISS BECAUSE OF DENIAL OF RIGHT TO SPEEDY TRIAL in a sealed envelope, with postage fully prepaid, by certified mail addressed to the person named below:

DISTRICT ATTORNEY'S OFFICE

301 Second Street

Woodland, CA 95695

Executed under penalty of perjury on _____, in Woodland, California.

James E. Horton, In Propria Persona